

Welcome to

Ask DDS Day 2018



GEORGIA DEPARTMENT OF DRIVER SERVICES

May 2, 2018

2018 Legislative Session “Under the Gold Dome”



Presented by Shevondah Leslie & Mike Mitchell

2018 Legislative Update

HB 135 (Rep. Amy Carter and Rep. Bill Hitchens)

- ▶ DDS Agency bill
- ▶ Introduced during the 2017 Legislative Session
- ▶ Bill could not be considered until the 2018 Legislative Session, because an actuarial study had to be conducted
- ▶ Would allow DDS investigators to buy back local law enforcement years of service, at full actuarial cost, to apply toward state retirement
- ▶ Effective: July 1, 2018 (subject to being funded in accordance with the "Public Retirement Systems Standards Law")

2018 Legislative Update

SB 407 (Sen. Brian Strickland)

- ▶ Based on the recommendations of the Governor's Council on Criminal Justice Reform
- ▶ Authorizes accountability courts to order issuance of a limited driving permit or ignition interlock permit for a Georgia driver's license that is suspended under the laws of this state
- ▶ Authorizes accountability courts to order reinstatement of a Georgia driver's license that is suspended under the laws of this state

2018 Legislative Update

SB 407 (cont'd)

- ▶ Authorizes non-accountability courts to order issuance of a limited driving permit or ignition interlock permit for a Georgia driver's license suspended under the laws of this state, provided the suspension was not related to the operation of a motor vehicle
- ▶ Authorizes DDS to issue a probationary license, limited driving permit, or ignition interlock permit in cases where a person's Georgia license is not only suspended or revoked, but also expired. Person, however, must be otherwise eligible to obtain the permit
- ▶ Effective: July 1, 2018

HB 673 (Rep. John Carson)-Distracted Driving



2018 Legislative Update

HB 673 Distracted Driving

- ▶ A 'wireless telecommunications device' means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to initiate or receive communication, information, or data
- ▶ A 'stand-alone electronic device' means a device other than a wireless telecommunications device which stores audio or video data files to be retrieved on demand by a user
- ▶ Does not include certain radios
- ▶ Also does not include an earpiece, headphone device, or device worn on a wrist to conduct a voice based communication (i.e. smart watch)

2018 Legislative Update

HB 673 (cont'd)

Prohibits the following as it pertains to “wireless telecommunications device” or a “standalone electronic device”:

- ▶ Physically holding or supporting with any part of your body
- ▶ Writing, sending , or reading any text based communication, including but not limited to a text message, instant message, e-mail, or Internet data (voice to text is acceptable)

2018 Legislative Update

HB 673 (cont'd)

- ▶ Watching a video or movie (does not include navigation)
- ▶ Recording or broadcasting a video (except for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle)
- ▶ Using more than a single button to initiate and/or terminate voice communication (Commercial Motor Vehicles Only)
- ▶ Reaching for device in such a manner that requires the driver to no longer be in a seated driving position or properly restrained by a safety belt

2018 Legislative Update

HB 673 (cont'd)

Penalties

- ▶ Guilty of a misdemeanor offense
- ▶ Creates graduated points scale for first conviction (1 pt.), second conviction (2 pts.), and third or subsequent convictions (3 pts.)
- ▶ Creates graduated court fines for first, second, third or subsequent conviction(s) within a 24-month period
- ▶ Provisions for first offense

2018 Legislative Update

HB 673 (cont'd)

Exclusions

- ▶ While reporting a traffic accident, medical emergency, fire, an actual or potential criminal or delinquent act, or road condition which causes an immediate and serious traffic or safety hazard
- ▶ By an employee or contractor of a utility services provider acting within the scope of his or her employment while responding to a utility emergency

2018 Legislative Update

HB 673 (cont'd)

Exclusions

- ▶ By a law enforcement officer, firefighter, emergency medical services personnel, ambulance driver, or other similarly employed public safety first responder during the performance of his or her official duties
- ▶ While in a motor vehicle which is lawfully parked
- ▶ Effective: July 1, 2018

2018 Legislative Update

HB 721 (Rep. Alan Powell)

- ▶ Would have allowed persons completing any combination of approved driver training pursuant to “Joshua’s Law” to take the behind-the-wheel skills test with a DDS approved third party tester
- ▶ Did not pass

Sine Die!



Refresh on HB 205 (2017)

HB 205

- ▶ Passed in 2016. Became effective July 1, 2017
- ▶ Changed the administrative license suspension (ALS) process for persons charged with DUI and subject to an ALS
- ▶ Created an optional ignition interlock device limited permit (IIDLP) during the administrative suspension period for 1st in 5 DUI's
- ▶ 1205 temporary driving permit extended to 45 days
- ▶ 30 days to request an OSAH hearing
- ▶ Opting for the IIDLP waives a person's right to an administrative hearing
- ▶ 1st in 5 DUI can still opt for an administrative hearing and a non-interlock driving permit

Overview of ALS changes

1st conviction within 5 (years)

Prior to July 1, 2017	On and After July 1, 2017
Issued 30-day permit with 1205	Issued 45-day permit with 1205
10 days to request OSAH hearing	30 days to request OSAH hearing
2 administrative options	3 administrative options

New Administrative Options

1st conviction within 5 years

Prior to July 1, 2017	On and After July 1, 2017
2 administrative options	3 administrative options
1. Request OSAH hearing within 10 days.	1. Request OSAH hearing within <u>30</u> days.
No option available for ignition interlock device limited permit	2. <u>Waive the right to an appeal by requesting an ignition interlock device limited permit (for a 1st in 5 DUI) prior to the effective date of the suspension if age 21 or over.</u>
2. Do nothing (fail to timely appeal) and serve out the required suspension.	3. Do nothing (fail to timely appeal) and serve out the required suspension (30 days).

Overview of ALS changes

2nd conviction within 5 years

Prior to July 1, 2017	On and After July 1, 2017
Issued 30-day permit with 1205	Issued 45-day permit with 1205
10 days to request OSAH hearing	30 days to request OSAH hearing
Eligible for IIDLP after serving 120 day suspension <i>after conviction.</i>	Eligible for IIDLP after serving 120 day suspension <i>after conviction.</i>

Other highlights from HB 205

- ▶ Outlines provisions for an optional Ignition Interlock Limited Permit (IIDLP).
- ▶ Optional IIDLP cannot be issued to the following drivers:
 - Prior conviction for DUI (5 years)
 - Under 21 years of age
 - Not licensed or not licensed in Georgia
 - ALS stems from a traffic accident resulting in serious injuries or fatalities
 - License is otherwise suspended, revoked, or cancelled
- ▶ Driver who refused implied consent and opted for the IIDLP will have to serve out the full term of the ignition interlock (12 months) even if the underlying DUI charge is dismissed or reduced

Other highlights from HB 205

- ▶ If ignition interlock requirement is waived by the court because of financial hardship, the driver cannot be issued an IIDLP
- ▶ Misdemeanor to drive in violation of IIDLP

Additional Information

For additional information about the bills covered in this presentation, as well as other bills that passed during the 2018 Regular Session, please visit the Georgia General Assembly website at:

<http://www.legis.ga.gov/en-US/default.aspx>

Questions



Thank You!

